

NEWINGTON TOWN PLAN AND ZONING COMMISSION

January 27, 2010

Regular Meeting

Chairman David Pruett called the regular meeting of the Newington Town Plan and Zoning Commission to order at 7:10 p.m. in Conference Room E at the Newington Town Hall, 131 Cedar Street, Newington, Connecticut.

I. ROLL CALL

Commissioners Present

Commissioner Anest
Commissioner Camerota
Commissioner Casasanta
Commissioner Hall
Commissioner Pane
Chairman Pruett
Commissioner Schatz
Commissioner Aieta
Commissioner Carragher
Commissioner Lenares

Commissioners Absent

Staff Present

Ed Meehan, Town Planner

Chairman Pruett: Before I open up the public hearings we had two special meetings on the 2020 Plan. Once we complete our final review of the Plan, we are going to put our recommendations up on the Town of Newington web site. We will then have a chance for the public to review it, we will then convene a meeting on our regularly scheduled night to discuss that, in the Council chambers, to get the public input. I would like to state that without the public's input a lot of these changes that we have made, or proposed to make would have been problematic. Your input is very much appreciated and we will continue to seek your input.

II. PUBLIC HEARINGS

A. Proposed DRAFT 2020 Plan of Conservation and Development – Chapter 126, Section 8-23. Proposed by the Newington Town Plan and Zoning Commission. Continued from December 9, 2009.

Chairman Pruett: At this time I'd like to welcome the public to speak on this item. You can come forward, state your name and address for our record.

Tom Shields, 37 Day Street: One thing that I wanted to bring to your attention on page 48, I've talked to the Town Planner about it, and it's the relocation of Alumni Road. I think there is an alternative to playing with the intersection at Maple Hill. It would be taking Alumni Road through the back side of the existing high school parking lot, bringing it behind those buildings up there, and joining the existing traffic light at Crest Pontiac, where that light is already there. That opens up the back side of that property too to some development. Then you cul-de-sac Alumni Road at the gas station, so there is no entrance or egress. It's kind of a much

cleaner, smoother transition because you don't mess with the families over on Old Farm Drive or anything else, you eliminate all of that confusion on the Plan. The rest of the comments that I have on this we'll reserve for future meetings, but I just wanted to bring that to your attention so you can start thinking about it. I've already talked to, like I said, the Town Planner, and he thought the idea was pretty good too.

Chairman Pruet: Thank you Mr. Shields. Anyone else from the public wishing to comment on this item?

Bernadette Conway, 177 Hartford Avenue: I just want to thank you all again for all of the time and effort, extra time and effort that you are putting into this. I just think it's wonderful that you are taking the time and reviewing it all. I might be redundant here, but I just wanted to go over a few things. Anywhere, I know there were a few spots at least one, where it stated transit orientated development and I hope that is specified because there are two transit orientated developments, used to be nodes, but areas now, and they are both so different from each other. One is in a residential area, one is not, so I think they really should be specified, between the two. I really like the emphasis that you are putting on re-use and redevelopment of existing sites.

On page 30, it refers to page 38A and also section 12, it refers to Special Exceptions, site plans and is just vague. I don't know what the definition is for Special Exception, I know that you can't tell me now, I'll find out later, but that is something that I don't think is defined in the Plan. On page 36, Section 7, A-C, it just seems a little vague to me and I don't know, maybe I would just feel more comfortable with something more specific as to the height of structures along Cedar Mountain Ridge Line. I think there needs to be something more defining there as, instead of just leaving it so open, the storm water management, safe access and traffic, that's just my suggestion. I agree with the last speaker, what he said, I think that is a great idea, it eliminates the whole problem over on Maple Hill Avenue and the residents over there and it also encourages development, I would think, over by Crest Pontiac which is something that has been trying to be done for a while. Thank you.

Chairman Pruet: Thank you, Mrs. Conway. Further participation from the public?

Holly Harlow, 11 Edmund St: This is an incredibly formidable task, I compliment you all for spending so much time and putting so much thought into this and because of that I am much more encouraged that this Plan is taking the shape that the residents of Newington want Newington to look like. I thank you for that. I like also, I think Bernadette mentioned, or everybody I guess in the past has mentioned the discouragement of high density housing, the discouragement of developing natural resources, the mention of the mountain of course. I did want to, and you probably have much obviously a better handle on this, I just wanted to point out something that confused me a bit, and this had to do with Section 1,2,3, on the minutes of changes and modifications, there is a reference on page 18 to change strategy number five to read, emphasis on maintaining Cedar Mountain as open space, and then a reference on page 20 to changing goal number one to re-determine how much of the remainder of Cedar Mountain should be preserved. I don't know if there is a conflict in our intent there, or not, and there was another page 36 on number 7, there's a reference to clarifying the height of a structure along Cedar Mountain Ridge Line, and again, I don't want to be a snotnose or anything, I had a question about whether that was all related to discouraging development or if we really intended to say that because it had a meaning that I'm not knowledgeable enough to know, but that was just my concern, and thanks again.

Chairman Pruet: Thank you. Additional comments from the public? Thank you, thank you very much.

B. PETITION 32-09 – Assessor Parcel 16-647 adjacent to 1268 Main Street (south Side), Reno Properties LLC, 170 Pane Road, Newington, CT 06111 applicant, project contact, Alan Bongiovanni, BGI Lane Surveyors, 170 Pane Road, Newington, CT 06111, Harris A. Friedberg owner, request for zone map amendment R-12 to B-TC Business Town Center. Continued from January 13, 2010.

Alan Bongiovanni: Thank you Mr. Chairman, Members of the Commission, Staff, for the record my name is Alan Bongiovanni, 170 Pane Road in Newington representing the project before you this evening, 1268 Main Street and the property just south, a vacant piece of property owned by the Friedbergs. We started this public hearing at the last meeting, we're proposing to change the parcel just south of 1310, it's .6 acres from a BT from a R-12 Zone to the BT zone so that it would be consistent with the zoning to the north and the town center. We presented a site plan at that time and there were several comments from the neighbors. We've made some adjustments to the plan, based on comments from staff, the neighbor's concerns, and working with the owner, tenant and the design team, and I think we've got some things that I hope satisfy the Commission.

One of our issues was requesting a reduction in the buffer, the twenty-five foot buffer, reducing it fifty percent to twelve and a half feet. The plan that we had submitted, and the staff got copies last week, I hope you all have them in front of you, we were able to adjust the plan, relocate the building a little bit in a northerly and westerly direction, reconfigure the parking area, and achieve a twenty-five foot buffer as the regulations state. Landscape architect re-landscaped this area with evergreens, we have proposed, as we did originally a six foot stockade fence along the property, going to the front of the garage and the house at 1310 and then perpendicular going up to the building so that, as cars come around even before the buffer matures you'll have a complete screening from the proposed use and the existing, neighboring house.

Along with that, we have made the drainage adjustments that the engineering staff requested. I'm going to introduce Dale Bertoldi, our architect, he's going to talk about changes that they made in the architecture. Our design team includes Scott Hesketh from F.A. Hesketh Associates. He did a simple study of the traffic in the area, we submitted that for the record. He is available if you have some comments. We don't want to belabor the presentation, because it is such a small use I don't think he needs to present, but he is here if you have some specific questions. We have Mr. Alderi here who is a real estate appraiser who will talk just briefly about impact to the values of property in the area and I think when we are done I'll make a couple of closing comments, but I think in a nutshell, from the site design perspective how we were able to adjust the site so that we can maintain what the regulation calls for and that is a twenty-five foot buffer. Henry Withers, our landscape architect I think did a really nice job landscaping it to enhance it. I think he's done above and beyond what the regulation calls for, and then some minor technical changes that were requested by staff we have incorporated. With that, I'd like to have Dale come up and talk about the architecture.

Dale Bertoldi: For the record, my name is Dale Bertoldi, Tek-Con architects, representing Liberty Bank, and as you recall we were here two weeks ago and showed you the branded design of the bank and hearing the comments from that meeting, we have further changed some of the exterior materials of the bank and bring out the standard brick veneer where the stone that I displayed to you that we intended to use, so in its place we are now proposing a soft salmon tone brick. I have materials here that I can show you on a material board and it will be reflected both in the piers on the elevations of the two covered walkways as well as on the rounded rotunda. Again, for reference on that, two buildings that exist within sight of the proposed bank, one is Bank of America and the other one down the street is a funeral home. Both elements of design I think have been well coordinated with the bank, yet the bank has

its own presence using classical forms as we had described last week. To illustrate what a real brick material would be, in this place that we are talking about, you see here is a smooth wire cut brick, we also have a accent fractured face brick that we would use in some of the banding in the rotunda to add some further texture. That texture can be brought out further in the columns if we so desire. So, the design is preliminary but the concept I think is one which we could add even further texturing to the building. The siding as you see here is a pre-finished hardy board indicative of either a shake or a clapboard. It is represented here as a shake board, top and around the building as well as at the top of the building and the roofing material is a plasticized base full slate, very heavy looking but very slate-like material that would be on the roof. The signature red band is what you see here is the tone that I am showing you here so all the elements that you see in this building, we have in real material that I can pass around. This is the aluminum tone, again a very soft tone, very rose tone, picking up a lot of the rose, salmon, accent color that we decided not only works well with the branded red but the branded blue that the Liberty Bank uses on their bank building design. If you want to look at them closely, I could pass them around or leave that with you, and if you have any questions, feel free to ask.

Alan Bongiovanni: Thanks Dale. I think we will have Mr. Aldari come up and talk about what a zone change means to property values in general and hopefully will address any concerns.

David Alderi: I am a certified general appraiser in the State of Connecticut, a Realtor and the owner of Alderi Associates in Bristol. I have been appraising residential and commercial properties for over twenty years. At the request of the applicant, Reno Properties I made an inspection of the site, the neighborhood, I reviewed the site plan, landscaping plan, partial building plans, landscaping configuration and what not, and basically I was asked, would this project in your professional opinion impact negatively the values in the subject neighborhood, of the single family homes. Let me preface my comments by saying I did not appraise any of the homes, instead I'm just offering my opinions based on my experience. For purposes of this discussion the neighborhood that I looked at was Main Street and Walsh Avenue from Bonair Avenue south to Robbins and East Robbins and included a few of the side streets. In my professional opinion I do not believe that this project would have a detrimental impact on the residential values in that neighborhood. Essentially, if I were to appraise the properties in the neighborhood prior to and after construction of this development my opinion of value would be the same. Already those properties on Main Street that are to the north are already impacted by traffic and noise from Main Street and any of the properties that would have a view of this new development already have views of existing commercial buildings, so in that respect, it does not seem a detriment to the values of the neighborhood. That's it. Thank you.

Alan Bongiovanni: I would just like to address a couple of things in closing and then be happy to answer questions and listen to the public speak. We're confident that this would be a signature gateway property for the Town of Newington, the center of Newington. I put these plans up that came from the town's current Plan of Development, that you are now developing the 2020 Plan because I think it illustrates what we believe should be done with the area. This parcel here is the subject that we are talking about. Everything in red is in the Business Town Center. This back piece here, this southern leg is not. That is in the R-12 Zone. If you were to look at this property today, the way that it has been historically developed, because this is connected to this property I think would be a natural demarcation between the residential and the commercial. You have a physical limitation on that finger. There is a water course and a wetland there. This will never be developed, but you have a single family house and you have a vacant lot which lends itself to be combined with the neighboring property to the north. It's been for sale for two years, it has not been sold, it's been looked at. I know that I have been clients look at it on numerous occasions for a

residential development, it never seemed to pan out, but we have had people looking in the commercial area, this applicant has, and I believe it's a good use for the center of town. I believe it helps this Commission control the look of the town center as you approach from the south. The scale of the building I think is a great transition from you know, houses that are probably on average one to two thousand square footage, you approach, you have a 2400 square foot building, and then you get into the larger properties to the north. The plan to the right is our five hundred foot radius plan, I think that it's self explanatory. I think the plan, the site plan that accompanies this zone change addresses the intent of our regulations, I believe that we have made adjustments in the plan so that we are not asking for anything out of the ordinary. If you were to grant the zone change, we believe what we are proposing here will meet all of your regulations in the later part of this meeting.

It's serviced by MDC sewer and water, it's a minimal use. Traffic impact is almost insignificant. We've looked at, there were comments from neighbors regarding the use of the drive through window at all hours of the evening. Well, we believe that we have a complete barrier from the property to the south in that respect but we did have Liberty Bank go through their records and their statistics and tell us the two neighboring properties that have been in business for a while, there is a brand new one that just opened in Berlin, but two others, one in Wethersfield and Wallingford that have been around for a while. They average under four transactions per evening between twelve a.m. and six a.m. in the morning. It's not a high traffic type of use. Even though we were very comfortable that we've got a complete screen along the residential property line, along the neighboring property and bring it back to the building, so as cars come in here, there would be no opportunity for light glare to affect the neighbors, neighboring properties.

Commissioner Hall asked some questions at the last meeting, the proximity of the proposed building to the existing house. Side to side we have a forty-nine foot separation between the existing garage and their house. The front of the house is, from the curb line on Main Street, fifty five feet back. The closest point, the garage will be to the drive through lane is fifty six feet. You have a greater setback as we are proposing to the drive through lane than you do Main Street which carries between 12,500 and 14,600 cars per day. So, any impact that this may have I don't think it's in reality will be noticeable. I think we have done a great job in screening and buffering as your regulations require, we think this is a logical progression for this piece of property. It's the smallest and best use of the property in our opinion. We don't think that it will ever get developed as a residential lot, it can only be a single family house and we think this will serve the Town of Newington, will serve many of the residents of the Town of Newington. One of the questions that I asked the people at Liberty Bank, the client, after the last meeting was, comments directed, well, we don't need another bank. Well, they actually have over four hundred households that have accounts with Liberty Bank. That's households, not actual counts, could be six or eight hundred accounts or even more so they have an established client base here that asked them to put a local branch in. They are not prospecting, they are trying to serve the customer base that they have. Having said that, I think we are complete and would be happy to answer any questions you might have.

Chairman Pruet: Those four hundred people you mentioned, that's Newington residents?

Alan Bongiovanni: Four hundred Newington households.

Chairman Pruet: When you met with the engineer, what about the concerns about drainage in the back, did you go over that with him?

Alan Bongiovanni: What the Town Engineer had requested, all of the water comes from this property one way or another and gets to the water course just south of 1310. Currently 1268 Main Street gets captured into a couple catch basins, brought out to a Town of Newington drainage pipe and outlets to this area. Our site sheet flows, all of this water goes towards the

south and east but ends up on this property, in the corner of this property getting to the swale and then back to the water course. What the Town Engineer has requested that we do is take all of the impervious areas, the building, the driveway, the parking areas capture it into a system of pipes and catch basins, put it into a storm detention area with pre-treatment so that we can remove eighty percent of the total suspended solids, and then bring it back into the same pipe so there will be no net affect on the neighboring properties. The amount of water that leaves this site today will actually be reduced by the amount of impervious area that we are directing to the north and then back to the water course, so we don't change the water shed, we just minimize the amount of flow that goes onto the neighboring property.

Chairman Pruet: You mentioned a traffic study. I haven't had a chance to see it, maybe you could comment about that.

Alan Bongiovanni: Scott, if you could just come up here for a second. He did a very brief report, and I'll have Scott talk about it.

Scott Hesketh: Good evening, for the record, Scott Hesketh, engineer from the firm of F.A. Hesketh and Associates. Our office is in East Granby, Connecticut and we did prepare a brief statement regarding traffic dated January 25th, which is part of the record. Is there any specific question you have regarding traffic or I could outline.....

Chairman Pruet: If you could outline your report?

Scott Hesketh: Okay. Certainly. We were asked to take a look at what the different traffic conditions were, the impact of a proposed bank on this parcel would be. We obtained traffic volume counts from the Department of Transportation. They maintain count programs on state highways throughout Connecticut. Their most recent count was conducted during 2006 and conducted counts on Main Street, both north of Route 287 and north of Market Square. North of Route 287 the average daily traffic volumes were 12,600 vehicles a day, north of Market Square the traffic volumes were 14,500 vehicles a day. Now we are closer to Market Square than we are to 287 so for the purposes of our analysis we assumed that the traffic north of Market Square was passing by this site as well, so with that assumption, the peak hour traffic volume passing by this existing site is 950 vehicles during the morning peak hour and 1,250 vehicles during the afternoon peak hour. Traffic volume counts conducted by the DOT north of Route 175 indicate that the directional split of traffic in the area is approximately fifty percent in each direction, so we had used that with the directional splits in this location as well. The existing office building on site has a trip generation based on the Institute of Transportation engineers of about thirty-three trips during the morning peak hour and ninety-two trips during the afternoon peak hour. Not a very big building and probably doesn't get that type of volume but the IT is a little bit conservative so we decided to use those numbers. The proposed bank again based on ITE would generate approximately thirty trips during the morning peak hour and sixty-two trips during the afternoon peak hour. Now a trip is an entering or exiting movement so that would be approximately fifteen customers during the morning peak and approximately thirty customers during the afternoon peak resulting in the thirty, or sixty-two trips.

Reviewing the levels of service and how the intersection of the site driveway on Main Street operates, using the highway capacity software, and the syncro analysis the site driveway, movements out of the site would operate at a level of service C during the morning peak hour which is an average delay of approximately sixteen to seventeen seconds per vehicle and during the afternoon peak hour and the background conditions without the bank, the driveway approach would be a level of service D, an average of twenty-eight seconds per vehicle, and with the bank in place would be a level of service E, which is an average delay of about thirty-

eight seconds per vehicle. So it's not heavy delays, and again, we over estimated the volumes passing by the site, so these levels of service should be somewhat better than what we stated here. Basically these are acceptable levels of service, it's an unsignalized driveway, traffic moving up and down Main Street will operate essentially without delays. The roadway is wide enough on the southbound approach to allow, if someone is making a left hand turn, into the site, someone should be able to get around them on the right hand side. They will have to slow, they will have to take it easy, it's not an extremely wide road, but it does have sufficient width to accommodate that movement mostly because as the roadway moves toward the north it's widening slightly to provide a left turn lane at the signalized intersection so there is a little bit of tapering of the pavement that is there to allow that to happen. Our analysis is that the site generated traffic from the proposed use would not be significant and that the existing roadway has enough capacity to accommodate the traffic volumes from that use.

Chairman Pruet: When you classify your traffic study as E, would that be a failing grade, for the public here?

Scott Hasketh: A failing grade, well no, here in New England, we tend to accept delays in the range of forty-five to sixty seconds at unsignalized intersections. If you are out in Nebraska where you don't expect to see a car go by all that often, five to ten seconds is too long. The signalized intersections, there are many movements that operate with average delays of fifty to eighty seconds of delay, and you know, we tend to tolerate that here in the Northeast, so is that a failing grade, no. It's not a failing grade. The capacity manual rates intersections from A to F, F being the worst, most people would equate F as being a failure. If we were designing an intersection, a signalized intersection, we would shoot for a level of service D, a level of service D at a signalized intersection is up to fifty seconds of delay, so E is not a failing grade, no.

Chairman Pruet: Would you have a study on the four to five o'clock, six o'clock range?

Scott Hasketh: The peak hour out here occurs during that time frame, based on our counts, it's the five to six o'clock hours.

Chairman Pruet: That is what you are referring to?

Scott Hasketh: Yes.

Chairman Pruet: Okay.

Scott Hasketh: And again, a bank use such as this, bank trip generation has gone down in recent years, we have a lot more internet banking, we have direct deposit, things like that and generally speaking, if you are going to the bank, you are typically going on the way to or from some other use, so, although the driveway volumes are what I have anticipated, it shouldn't add that much traffic to the road network.

Chairman Pruet: Thank you.

Scott Hasketh: You're welcome.

Alan Bongiovanni: One other question that Commissioner Hall had requested is what is the elevation of the existing home relative to the proposed bank? The garage floor is at 92, elevation 92 give or take an inch. I did not go on the property and measure the floor, from photographs it looks like it's a foot higher or a finished floor of 93. Our proposed bank is 94.

The road increases about a foot in that same length on Main Street, so we are just setting this appropriately to the elevation of the road, just as the neighboring house is, so it will blend in very well as an elevation perspective. If I may indulge one more minute, we have Henry Withers here, our landscape architect. I wasn't sure if he could make it, I'll let him talk just a minute about the type of buffer he selected so that it will serve its intended purpose.

Henry Withers: Hi, for the record, my name is Henry Withers, I'm a licensed landscape architect in the State of Connecticut with the firm of CR3 in Simsbury Connecticut. As Alan had said earlier in his presentation, we've been working with him to provide some landscaping along both, some of the interior portions of the site as well as primarily along this buffer and I have a plan here which should give you a little bit more information which I'm going to refer to as I point to this plan because I've got the labels turned on. One of the regulations requires that along this twenty-five foot buffer that we provide an evergreen screen that is a minimum of six foot high and spaced generally fifteen feet apart in double row. We have chosen a variety of evergreen trees along here, between firs and pines and arborvitae and some cedars, some junipers which are Wichita Blues and a couple other like a Cedarsqualko which is a blue Atlantic cedar, so there is sort of a mixture and then we went a little bit beyond that as well, because we also have some Japanese maples in this cluster in here and in front of these evergreens along here we have some Catawba rhododendrons which we're showing graphically here as about a four foot size but realistically in that condition, on the north side of these evergreens along here, they'll prosper and do pretty well. We still have a nice snow shelf along this area, where it's lawn, but they will be in the six to eight foot range and help really solidify that evergreen screen. I'm not sure that Alan actually did mention that in addition to all that screening there is also a proposed fence along that property line as well which ties back into the building so this area Alan did mention about the headlights being blocked, also by a physical barrier so it will give quite a bit of privacy. In addition, there is some streetscaping that has gone on, primarily a lawn in the front with some perennials that will accent the colors on the front of the building that Dale presented. Along here some very nice (inaudible) which is a yellow blooming tree, blooms late, in the middle of June, some native Manolankers along the parking lot area which do well because they raise up and stay out of the way of traffic and produce a nice bloom in the springtime and a couple very large American Sycamores on each end of the island here as well as just some smaller accents, trees, perennials, roses in the front of the building. So we believe that this will produce quite a beautiful scene for this building, setting for this building to be put in and will add quite a bit to this lot. It will be nice to look at year round and particularly throughout the summer months when these things are blooming at various times. We have tried to structure it so there will be different things blooming in June to the Manoankers blooming very early in the spring to other plants that will be nice accents in the fall. Again, there is an area reserved on the lawn for snow storage, and maintenance so that is not going to be a problem with respect to circulation and getting cars around here. There are some lights that are shown on this plan, shoebox lights, basically high cut off fixtures and your regulations require that they can't be any higher than seventeen, and these would be in the sixteen foot range, again, a high cutoff shoebox, a nice fixture that is used in the area, so we believe that would mitigate any of the light that would spill out into neighboring properties as well. That is something that the developer is sensitive to. So I think that is primarily the presentation for the landscape, unless somebody has any major questions.

Chairman Pruet: Thank you.

Alan Bongiovanni: Thank you Henry. Other than that, I think that concludes our presentation. I'd be happy to respond to any questions that you might have.

Chairman Pruet: Ed, staff comments?

Ed Meehan: I won't get too much into the site plan, because that is later on the agenda, but I think all of the items that staff has suggested at our various meetings have been addressed by the client's professionals. One of the things that was not mentioned but is significant on this property is the prior plans, the grading had prepared the site with some low knee wall, retaining walls and by pulling that driveway back, and eliminating some parking, those versa-lock, or block retaining walls have been eliminated, so the grading to the adjacent property will be a little softer and won't be quite as severe. So I think that is worth noting. Question for I guess Mr. Hesketh about traffic. When we go to a level of service E, if they are adding sixty-two additional cars he mentioned at the peak hour, is that impact on the driveway, exiting? Who is being affected, motorists on Main Street or the customers coming out of the driveway?

Scott Hesketh: The level of service E would be experienced by the customers within the site driveway itself. Traffic passing on north Main Street would operate virtually without delay at a level of service A.

Ed Meehan: Okay, I just wanted to clarify that. That's pretty much all I had, oh, question for the landscape architect, is any of this site irrigated?

Alan Bongiovanni: I'll answer that rather than have him come up, the front portion of the site where all the perennials are will be irrigated, where we have the planting in the back, the buffer planting, the north side of the fence, generally won't require irrigation, nor will these islands here, but our intention is to irrigate the entire front. If required, we can add it in that area, but it's our belief that it is not going to be required for the rear portion of the site. I would like to add that along with all the lovely work Henry has done here, we have also taken that theme and mirrored it on the north. We are proposing to renovate the entire site, replace the drainage, replace the parking, and re-landscape it. We actually are going to be able to reduce some of the impervious area on that site, and clean up that site as well, if we are allowed to do this at this time.

Chairman Pruet: You are referring to 1268 Main Street?

Alan Bongiovanni: Yes.

Chairman Pruet: Okay. Commissioner comments?

Commissioner Pane: Mr. Chairman, are they reducing the parking at all for that existing building? Did he talk about that?

Alan Bongiovanni: Our intention is the existing sixty spaces that exist for that building today, and our intention is to leave sixty spaces. What we have done is to redistribute them a little bit, we noted on the plans, there will be reciprocal easement agreements. There will be two separate parcels here, as there are today. We have excess parking on the southern portion of the site, as required for the bank, but if you look at our parking count and the schedule, they maintain their sixty spaces here, I think it was fifteen spaces here, and I think we have a couple of extra. We also have some deferred spaces if necessary.

Commissioner Pane: Thank you.

Commissioner Hall: I have a question about the façade. Is there a possibility it can be red brick instead of salmon brick? What was the choice for salmon versus red brick?

Dale Bertoldi: As I stated earlier, the bank has signature branding and graphics. They use a very bright red in the flame and in the glass as an accent band and that carries actually into the interior, so the tone that we selected through a careful study of available palate of brick that is out there is a softer and a little bit truer to compliment those two colors. We're certainly open to review but I have worked with the bank on an acceptable color. As I said we have made a major shift from the tone that I presented to you two weeks ago, which was a soft neutral tone and they are moving toward more of a red tone but the exact value of that and view of that also needs to look correctly complementary to their branding. That is how we arrived at it.

Commissioner Hall: I'd also like to know where the Connecticut transit bus stop is in relation to this parcel. I think it's right across the street and that's the one that would be heading south, and north is a little bit farther up, but I think the south is around 1281 or 1271. Then, one more question. Is there any way to find out about the number of transactions? They told us about the overnight transactions in Berlin and I think Wethersfield or Vernon or whatever, totally different town. Bank of America, have we done any studies with how many trips in that same amount of time with the bank just north.

Alan Bongiovanni: Although I believe that the people of Liberty Bank would love to be as large and as busy as Bank of America, you are comparing apples and oranges. We're giving you two institutions that they have that have been open for a significant amount of time. I did not compare Berlin, because it just opened. I gave you Wethersfield and Wallingford. Wallingford is a busier branch than the Wethersfield branch. Taking the totals of those two, we gave you an average of less than four transactions per evening from twelve a.m. to six a.m. I don't know the exact number, but this is a small local bank, this isn't the largest bank in the United States of America, and that is what you are asking us to compare it to. I don't think we can do that.

Commissioner Hall: Well, it's just that I was thinking site, more than, because once the bank comes to town, hopefully they will attract more customers, I mean, that's the whole point of doing it, and if it's in that same location as another bank, I think I'm talking probably bank habits more than a large bank versus a small bank. I think it's just, what can you expect from people who have accounts in that bank as to what they might do.

Alan Bongiovanni: I think that is where those numbers from Wallingford and Wethersfield play a part in this, this is typically what they get in an established location. Those are the numbers that they get.

Chairman Pruet: Any additional comments?

Commissioner Camerota: Just to follow up on Commissioner Hall's question about the trip. Can you back it up any farther? I mean, twelve to six isn't really a concern, but maybe nine, nine to midnight?

Scott Hesketh: In the hours when the bank doors are not open, from let's see, from eight p.m. to six a.m. they average less than one hundred transactions per month in an hour, all right? Now, if you take the six o'clock hour, five to six hour, they had 102 transactions in Wallingford for the month.

Commissioner Camerota: What were those hours again, I'm sorry.

Scott Hesketh: From five a.m. to six a.m. Okay, that's 102 transactions for a month.

Commissioner Camerota: Five a.m. or five p.m.?

Scott Hesketh: Five a.m. to six a.m., that's the busiest non-open hour. I don't have the numbers exactly the way that you asked it, I'm just trying to give you a sense, seven p.m. to eight p.m., they had 136 transactions during the month at that one location, which is about three to five a day, so it's not a heavily used thing.

Chairman Pruet: Additional comments? Okay, at this time I'd like to ask anyone from the public wishing to speak for this petition, step forward, state your name and address for the record. Anyone from the public wishing to speak against this petition? Please come forward and state your name and address for the record.

Robert Sazinski, 1310 Main St: Good evening ladies and gentlemen. I had a little speech prepared here and I think I am going to start from the middle of it because of Commissioner Hall's comment. What I did, I did my own research as far as banking in Newington goes. I went to Webster Bank down the street, they generate three thousand transactions a month, I'm sorry, a week, in the lobby. That is not teller transactions. That is about eighty transactions an hour. Even if Liberty is going to generate fifty percent of this business, that is forty cars an hour, coming in and coming out because in Liberty, there is going to be only one inlet and outlet, not two. What else, I think the noise is going to be terrible for all of the neighbors. I don't care how much screening is going to be put in, Friday night, midnight, who is getting money out of the ATM's. Not soccer moms, I'm sorry. These are people who are partying, they are partying hard, stereo's blaring, fifty feet of fence is not going to block it. We cannot forget that the outlet and inlet for this bank is going to be again, combined with the property from the existing office building that has, if I counted correctly today, has fourteen businesses in it. So traffic on Main Street is going to be highly impacted by this bank. Now I understand the Town of Newington is spending 1.8 million dollars revamping Market Square area and your intent is to make this area a happening place, place to attract more businesses, more people. By putting this bank on Main Street, I think this Commission would clog one of the main roadways leading to Market Square that you are spending all this money on. I think people are already avoiding this part of Main Street because of traffic. You guys are driving back and forth to work, I believe you would rather take Willard Avenue than Main Street because of traffic. I think that this traffic, combined with Liberty Bank it is going to be totally avoided by most of the residents in the area, which kind of kills the whole project on Market Square. Thank you very much.

Chairman Pruet: Thank you. Anyone else from the public wishing to speak against this petition? State your name and address please?

James Welles, 1271 Main St: Since I don't have a title, I'm a resident of 1271 Main Street. Last time I spoke here there was a gentleman, he's not here tonight, I was looking for him, he questioned my, where I got my information from and stuff and when I spoke about stuff. I'm a twenty-five year fireman for the Town of Newington and a twenty year town employee for the highway department so I've been around when projects have been good and projects have been bad, that's where I get my information from. I'm a twenty-five year resident of Main Street at 1271. I think this would be a mistake for you guys to grant this to a business zone. I believe, it's been stated that, somewhere in the plans, it's not a good idea to expand the town center zone. I think you should follow that. Concentrate the efforts on the rest of the town. Reno, you know, you are looking at this as a profit area, not re-doing a parking lot for Liberty Bank. Use the center of town, use Lowry Place, be the new building in there, work somewhere else in the center of town to get the people. Go to the center of town, Lowry Place, you won't have to worry about the traffic problems at all, there's very low traffic down there because there is nothing there. Be something to make people come to. The idea of

opening a bank is to get more customers. You are going to offer deals that the people at the other banks can't. Go there. I've checked with banks, Connecticut River Bank, I talked to the people who developed that and founded that and went across the street to that bank, every bank in the center I visited including the credit union which I belong to. Your numbers are low, I'm sorry, say what you want, you are looking to increase those numbers. No bank is going to survive forever here. It's a beautiful building, but what can it be used for two years down the road when this bank goes under or bails out of there. Another doughnut shop, Dunkin Donuts? It's going to have a drive through, it would be perfect for them. I think you guys really need to keep this a residential lot. House there, you were absolutely right when you stated they can put any sort of house there, we don't have any say on it. Absolutely, I'm willing to take that chance, but I don't think we need a bank there. Not even a bank, I don't think we need a commercial building there or a commercial business there to create more traffic. The bus stops right in front of my house. I have a handicapped child and the bus stops there twice a day for him. There's no way even with a regular car out there you can pass on Main Street to get around somebody making a left hand turn, going south. You only addressed the traffic going northbound, nothing southbound for people turning into there. Your watershed, Tony Ferrero, the engineer, I have a lot of respect for the man, he's a really smart man, but I have concerns down the road seeing projects in the town being built up, when the water shed you are dumping, right now the water in the lot is being absorbed into the ground right there, some of it is shedding off, right now you are going to take all that water, most of it, dump it into the retaining system, dump into the water course which is now going toward Mill Pond. Maybe that pipe system isn't going to take that. Is it in the hundred year plan? Is there a lot of water there, is that system going to take it or is it going to overflow? Right now when we get major rains that system goes to capacity. I walk by it, I see it. If we are dumping more water from that parking lot, is it going to push it over that little bit of a limit? That's it.

Chairman Pruet: Thank you. Anyone else from the public wish to speak against the petition?

Gail Samma, 1307 Main Street: I'm sorry that I'm going to duplicate a little bit but I made notes during the day, so, I just want to say that I didn't speak last meeting because I actually found myself speechless that we were going to get another bank in the same area. I live across the street from the little house that is over there. I just couldn't come up, my face was beet red, and I was afraid of what I was going to say, so what frightens me is that there was a gentleman that said once this parcel becomes a commercial lot it will never go back and what I'm hearing about the bank thing, so tiny, so small, and another gentleman from the back said, you know we are doing internet banking and everything, this beautiful building will not be used for a bank and we are afraid of what it will turn into since it can't go back to being residential. The last thing is, I think we should be patient and let someone buy the property to build a home next to the downtown district and let Liberty Bank fill the empty buildings that we might have in Newington and please consider letting a few of the neighbors who are so close to the parcel of land, win this decision and let the businessmen find another option.

Chairman Pruet: Thank you. Anyone else from the public wishing to speak.

Donald Samma, 1307 Main Street: Tonight I can see that you brought a lot of big guns in to sell this project, the neighbors who are here are probably just blue collar workers, middle class people. I live at 1307 as I mentioned which is this house here in the back. This property guy here who does the evaluations, he mentioned that there is one thousand to two thousand square foot houses in this area, well, ours is twenty-five hundred, this one here is two thousand something, this one here is almost four, one family houses. He said there wouldn't be any more visibility for me, sitting on my porch that I would see commercial

property as it is now. Well, sitting on my porch, 112 feet back from the street, I can't see that bank there, nor can I see that office building, or the funeral home or CVS, nothing to that affect, so I feel that his study was really not as good as presented. Another fellow, I mean, all well and good with the bank, color, whatever works for you guys. My house is soon to be ninety years old, I've got white shutters, fake clapboards, vinyl siding. People around me have, directly across, the little cape over here, recently bought, November from another gentleman who kept it up, clapboard house, wooden shutters, the whole thing. It's a little colonial house as I mentioned the last time, that CVS was supposed to represent the little cape which never panned out as far as I'm concerned. Like other people said, that looks nice, I mean it looks nice in downtown Hartford, something like that, I'm not saying that it doesn't, and I know where Liberty Bank is in Wethersfield, right at the beginning of the Silas Deane Highway, Wethersfield Avenue and it looks good, I can't complain about that, I'm not saying but to say that this is the only use for that land, just like I said the last time, well nobody is building a house now let's face it. I own other properties and the last thing I would do is build a house right now. You can buy a house right now, but it's just common sense, you have to sit on it. I feel sympathetic to the guy but it's not my problem, not the average person's problem. I know, we don't have the funds or the resources to bring on a team of people to do a study against the project so, that's all I've got to say.

Chairman Pruet: Anyone else from the public?

Bernadette Conway, 177 Hartford Avenue: I just wanted to point out that this is the perfect opportunity, I just sat through a hour of listening going through the town plan, and I spoke about how much I appreciate your emphasizing the reuse and redevelopment of property that is already there, that is not in use, and I think this is a perfect opportunity, I'm sure the Town Planner could point out many other great places in town that you would be able to reuse for redevelopment. It is residential and I believe it should remain residential. I realize that it is a very fine line right now, it's, that residential neighborhood is so close to the center of town, but the fact is, their rights are being (inaudible) here. I just feel that it needs to remain residential. In regards to traffic, you were talking about traffic in front of this house, well now you are talking about adding traffic, not just to the front of this house, but the side of his house. He can't go in his backyard now without getting some traffic back there. I've driven by your house, it looks to me like you have kids, and you want to be out there with your kids where you have your privacy and now you are going to have that going on, not only in the front, but on the side, so I just wanted to point those things out. You know, no one bought that land yet, maybe it's because no one wants to live right next to a bank, and neither does he. Thank you.

Chairman Pruet: Anyone else from the public wishing to speak against the petition? Thank you. The petitioner has a chance to rebut.

Alan Bongiovanni: The, I'm just going to summarize I think the general feeling of some of the neighbors is that they are worried about the bank being there, it's not going to last, and that what are they going to end up with in the future. Just to assure everybody, this Commission has complete say over whatever happens on that property today or in the future. Liberty Bank has done their demographic study, and determined that this is the location that they would really like to be. They have a significant customer base already in the Town of Newington and they are looking for a location in town. Main Street is the location they would like to be, not tucked away on Constance Leigh Drive in a development that quite honestly has failed. I mean, we all as residents of the Town of Newington would like to see that revived but what happens when it gets revived is all the things that you talk about. People and traffic and business and noise and you are in the center of town, you about the center of

the Town of Newington so some of the comments, talking about you don't want commercial things to happen, this is a relatively small piece considering the Town of Newington. We think this would benefit the town in being able to establish from the south, a gateway property to the central business district. You can say it in a lot of different ways that you don't want development, you don't want to expand the town center, but this is one of the surest ways to ensure a successful central business district by allowing this type of development and re-development happen. The property wasn't just on the market for the last twenty-four months when we've had the worst housing market in decades, it's been on for a longer period of time than that, and a few years ago when it was on, I did talk to several people and they just couldn't see making a new home on Main Street with the traffic a viable concern. That is what I experienced from several potential clients. I would, that is it for my rebuttal. We do have from Reno Properties' attorney, a letter, I don't know Mr. Meehan if you received it.....

Ed Meehan: Commission members have it, we'll put it into the record.

Alan Bongiovanni: A letter from Attorney, if you would like me to read it, I would be happy to do that as well.

Chairman Pruet: Okay, why don't you read it for the record?

Alan Bongiovanni: January 25, 2010 Newington Town Plan & Zoning Commission
c/o Edmund J. Meehan, Town Planner
131 Cedar Street
Newington, CT 06111-2644

Re: Petition 32-09 – Application of Reno Properties, LLC for Zone Change – 1268 Main Street.

Dear Commission Members:

I represent the applicant in the above-referenced matter.

During the recent public hearing, a concern was voiced that if the zone change from R-12 to B-TC is granted, the property can legally be used for any use permitted in the B-TC zone and not just for the proposed bank. While it is true that a zoning commission cannot approve a zone change subject to the condition that the property not be utilized for one or more uses otherwise permitted in the zone, in the present circumstances any concern about the future use of the property is unwarranted.

First, as will be explained at the public hearing, Liberty Bank is absolutely committed to use the property as proposed in the pending site plan application for the foreseeable future and has already made a substantial investment towards that end. As a practical matter, therefore, the Commission knows that it is highly unlikely that the property will be used for any other purpose for the foreseeable future. Even if this were not the case, there are several reasons why there should be little concern about the future use of the property.

The B-TC zone allows as permitted uses any permitted use or Special Exception use in the B zone. A review of those uses reveals that, given the small size of the lot in question, many potential uses would, as a practical matter, not be feasible including, for example, places of assembly and funeral parlors. Moreover, other uses would be feasible only on a very small scale because of the size of the parcel and setback, parking, buffer requirements and the like. As a consequence, future use of the property would, as a practical matter, be limited to smaller, inoffensive development which would not conflict with existing uses in the area.

In addition, the Commission has significant control over any future use of the property in the event the zone change is approved. First, all properties in the B-TC zone are subject not only to the B-TC zoning regulations, but also the Town Center Village Overlay District regulations. Those rules give the Commission broad authority over the appearance of any proposed development in the Town Center including but not limited to, the design and placement of the building, the materials and colors to be used, parking layout, lights, etc. Second, the town's site plan regulations grant the Commission the discretion in reviewing a proposed site plan to consider such matters as the existing and future character of abutting properties and suitability of the building design for the site.

These regulations provide the Commission with ample authority to ensure that, if the zone change is granted, any future use of this property will be appropriate for the site and harmonious with the neighborhood.

Thank you for your cooperation

Yours very truly,

Lewis K. Wise

I was alluding to what Attorney Wise said in his letter, with the Village Overlay District, the town has almost, more so than any where else in the Town of Newington control of what happens on that property. Every time a piece of property changes hands, has to, changes use, has to come before this Commission. If you go from a restaurant to a shoe store, it has to come before this Commission, if you go from a bank to a dentist office, it has to come to this Commission, any type of change. If you went from Liberty Bank to Liberty Number One Bank, that would be the only exception where hypothetically you are going from a bank to a bank. We believe it is appropriate, we believe it is appropriate from a geographical location, the proximity to the town, as a gateway area to the town. As I stated earlier, if you were to look at this site and the whole town center, where would you cut off that zone line. More likely planning would dictate that you would go to natural buffer, the natural transition and not isolate one or two residential properties surrounded by commercial uses. We've heard from some of the neighbors across the street, well, they love the residential, but some of those actually have commercial uses in them, and they have historically so you know, we leave it up to the good sense of the Commission. We believe it is appropriate for the town center, and we hope you think favorably. Thank you.

Chairman Pruet: Thank you. The public can, have an opportunity to rebut the comments of the petitioner.

Don Samma, 1307 Main Street: This is reinforcement for what I was saying before, people with deep pockets do whatever they want here, I already see them headed down this path. Now if you guys grant the okay for this, I can see us coming back before this board again couple years from now, whatever, someone with a lot of money comes in, the developer, same people, buys out my neighbor over there, Bob, for a half a million dollars. Now I'm right across the street because now, it's going to work, well you've got this why not take the other, you know give an inch take a mile type of thing there, I don't get it, where's it going to stop. I mean, I wish, if you want to take a bank over here, probably make it work for me, but it's just not going to happen, but you're making two wrongs here, you are already going to come back for the next one, it's obvious. Just because we don't have the resources to come up with all these people, I mean, we wish you people would see it our way, just the average Joe and vote it they way it should be, the way we think it should be. Thank you for your time.

Chairman Pruet: Anyone else?

James Welles, 1271 Main Street: Maybe they don't want to be down on the Lowry Place area, but maybe that is what we need, somebody to step up to the plate and just do that down there. This really needs to stay a residential lot. You know, my real objection to this whole thing is the drive through. The landscaping is beautiful but we don't need the traffic driving through in the middle of the night. That is the big thing, you know what, they can't change it, there's not a lot of options there, well, a bank's a bank. If they have that small a clientele and they are not planning on growing and interfere with the neighborhood, then get rid of the drive through and then come back and maybe you would get a positive out of me, maybe convince me a little more but right now, as long as you have more traffic flowing in and out of there, with a drive through at night time, interfering with the gentleman in the residential area, I'm sorry, I mean, leave it a residential zone, let them build a house, take our changes with that. That's the way it should be, don't expand the center the way that it is. I'm sorry guys, but you have to force these businesses and as he said, the people with the deep pockets, to go into the center like we want them to. It's our town, not their town.

Chairman Pruet: Anyone else? Commissioners, what are your thoughts on keeping this open or closed?

Commissioner Pane: I think we should close this Mr. Chairman, but before we do, if I could get a clarification from the Town Planner, the map that they are referencing there which Alan kind of indicated that these two individual lots are isolated, R-12 lots, that's really not the case is it?

Ed Meehan: The correct zoning, there is an error on that map, that is an error that actually comes from our draft plan. The property south of this subject parcel all the way to Northwood is in the R-12 Zone. So, this is all R-12.

Commissioner Pane: And the property that is right here, is this undevelopable due to limitations on drainage, basically open space.

Ed Meehan: Yes, this is a piece of property that has an active water course, drains quite a bit of Forest Drive and the back of the Lowry Plaza, it's a water course associated with a wetland that goes westerly to Mill Pond Park so it's going to be regulated by the Conservation-Inland Wetlands regulations and this site to the north, 1310 as well as a portion of the subject property is in the upland review area, so it should not be built on.

Chairman Pruet: Thank you. Any other thoughts?

Commissioner Schatz: Yeah, I have a question that maybe the public should know and maybe we should hear it again, to do a zone change, it's not four against three or whatever the numbers, it's a certain amount, right?

Chairman Pruet: I believe it's sixty-six.

Ed Meehan: No, there has been no formal petition submitted by twenty percent of the population with five hundred feet of the requested zone map amendment, so it is a simple majority. If twenty percent of the property owners had petitioned you in writing and put into the record, it would require the two thirds vote.

Commissioner Schatz: So this doesn't require a two thirds?

Ed Meehan: No, you haven't got, a simple majority. It would have to be twenty percent of all these property owners.

Commissioner: Were property owners told that that was the case?

Ed Meehan: I don't know if they were told, but.....

Commissioner Schatz: Well, that's why I wanted to bring it up so they would understand what would happen.

Chairman Pruett: Any further thoughts on keeping this open?

Commissioner Hall: Well before we go to that, we read the letter from Rogin, Nassau, we also had two other letters that were submitted, can we please put those into the record too, otherwise you know, they will just go into our packet and the public won't be aware of it.

Chairman Pruett: Okay, they will be made part of the record.

Ed Meehan: I only have one.

Commissioner Hall: I have one from a Julia Domingo and another one from Nancy Hadley.

Ed Meehan: The Hadley letter is about the Plan of Conservation and Development.

Commissioner Hall: Oh, okay, right.

Ed Meehan: But for the record, the e-mail was from Joe and Regina Domingo to me, Ed Meehan, Town Planner, dated January 13th. They are opposed to the project, just to summarize, they live at 1349 Main Street, have been residents since 1983 and the gist of their opposition is that the property over on Lowry Place in the Business Town Center zone is more suitable for a bank than the existing residential site.

Chairman Pruett: Okay, can I have a consensus on keeping this petition open or closed.

Commissioner Pane: Mr. Chairman, I think because of the gravity of it, with the residents maybe we should keep it open one more meeting, if we have ample time in case the residents want to do a petition since they weren't aware of it, let's give them ample time, just in case and then we, we have plenty of time I think on this, and it's a high concern for the residents of that area.

Chairman Pruett: I see a lot of heads nodding, so we're going to keep this open for our next meeting.

- C. PETITION 34-09 – 240 Day Street, former Merrow Machine Co., 240 Day Street, LLC, owner; Mill Pond Church Inc., 705 North Mountain Road, Suite A-210 Newington, attention Senior Pastor Joel Ressinger applicant, request for extension of Special Exception approval, Petition 46-08 condition #7 one (1) year limitation. I Zone District. Continued from January 13, 2010.**

Attorney Kelly: Good evening Mr. Chairman, Commissioners, Mr. Meehan. For the record, my name is John Kelly the attorney for Mill Pond Church. If you recall, we were here on January 13, asking for the approval that this Commission granted to the applicant back in October, 2008, to be extended. It had expired in October 2009. I think we told you that there

were a number of challenges with this building, this is the old Merrow Machine building on the corner of Day Street and Francis Avenue. The church plans on using about 9,000 square feet of the northern most part of that building. It's the part of the building at the corner of Day Street and Francis Avenue. They are going to use it for a church, worship space, some office space and as Pastor Joel Ressinger indicated, they are going to have youth programs there. The church right now has about, as we said, about 125, 150 members. Attendance at their Sunday service is typically in the range from 75 to 100 people or so. The application, as I said was approved in 2008. Really not much has changed other than the fact that it expired and we are looking for an extension. We're now in a position with financing and with the plans if we can get the extension we can probably start construction. A few little issues have to be worked out with the Fire Marshal but we are hitting the home stretch on that and I think we are going to get those resolved and we'd like to think construction could begin probably by late February, maybe March to renovate that portion and hopefully as soon as possible get them in there for services and for their youth program. We advised the Commission as we did in October 2008 there is enough parking, not only adjacent to the old Merrow Machine, along side of the Merrow Machine building, but also across the street, I think we told the Commission there is at least one hundred spaces on both those areas, and Day Street and that part of Francis Avenue, very low traffic area of town, so the fact that somebody would have to cross the street to, if they couldn't find a parking space along the building, shouldn't be a big issue, particularly on an early Sunday morning when services are, and on Wednesday night when the youth programs are. Those are two pretty much times that there isn't going to be much traffic on those streets anyway. Quite frankly, the vast majority of the time parking would be, the people who are going to be in the building for the church purposes are going to be able to park right along there. They probably won't have to use the parking across the street except for services and perhaps some of the Wednesday night youth programs. The rest of the building, I mean, it's in an industrial zone and your regulations do permit it to be used for a place of worship. It would be great to have more factories and more industrial uses come into town. That building has been empty quite a few years now, maybe a decade or maybe even a little bit longer than that, and not a lot of prospects for reuse of that industrial, although it is still zoned that and I know that the owner, for the remaining part of the property would like to have some other tenants there, but we have been the only active tenant at this point and the church is going to be leasing the space, kind of a summary of the presentation that we gave you the other night so we are just asking for your consideration.

Chairman Pruett: Very good. Ed, comments?

Ed Meehan: Subsequent to the initial public hearing on January 13th, the church, through it's architects submitted its revised site plans which is on the wall and Commission members have in front of them. There was some confusion with the original plan that was submitted particularly in the parking counts. The prior plan had only seventy spaces on the east side of Day Street and that was revised to reflect the current situation that is there now with additional parking, and also there was some confusion at the south side of the building where the prior plan had shown an outside play space which has been removed in that area there. The parking in front of the building was adjusted a little bit to reflect the handicapped spaces, so the plan in front of you now for your consideration tonight has a total of 113 spaces which is in line for what they would need for the maximum occupancy of their ninety-five, hundred square feet. One space for three legal occupants so they did provide also plans showing how they would hope to build this area out with a worship area, classrooms, community kitchen and so forth so that was the reason that you kept the hearing open, to get clarity on the revised site plan.

Chairman Pruett: Commissioner comments?

Commissioner Pane: Could we make sure, maybe it is already done, that there is a crosswalk painted on the road at a proper location and it is signed, so that it is safe for people to cross the road. That's all.

Chairman Pruet: Properly lit too for youths crossing as well.

Commissioner Pane: I think there is lighting on the building.

Chairman Pruet: So it reflects that crosswalk.

Commissioner Pane: Yes, so where ever the lighting is on the building you could have a crosswalk in line with it.

Chairman Pruet: Good comment. Additional commissioner comments?

Commissioner Pane: One other comment, Mr. Chairman. I'd like to if the other Commissioners don't have a problem with this and if Ed has received everything I think that beside closing this and if it is okay with the other Commissioners maybe we can move this to Old Business and proceed to get this off our agenda since this was already previously approved and it doesn't appear that there are any problems. And we do have a lot of things coming up on our agenda, we might as well if there is no problem and the other Commissioners don't have a problem maybe we could eliminate something from our agenda.

Chairman Pruet: Okay, thank you. This is a public hearing, anyone from the public wishing to speak in favor of this petition? Anybody from the public wishing to speak against this petition? Thank you.

Attorney Kelly: Thank you for your time.

D. PETITION 35-09 – 2600 Berlin Turnpike, Mauro Agency, Ted Mauro owner, Camille Criscitello, 2600 Berlin Turnpike, Connections Dating, Newington, CT 06111 applicant, request for Special Exception Section 6.2.4 Free Standing Sign, B-BT Zone District.

Chairman Pruet: Is the petitioner here? Okay, if you could just come up and state your name and address for the record.

Ray Morant, 2600 Berlin Turnpike: We are petitioning the Commission for a Special Exception to increase or just add to the existing free standing sign. Ed has been helpful in the process, the Town Planner, and it is my understanding that it conforms to the current zoning and there should be images there for you.

Chairman Pruet: Ed, staff comments?

Ed Meehan: There is a staff report on the table for Commissioners to review. I think that I e-mailed it to the applicant this afternoon. We reported to you the present situation with the signs that are already displayed as wall signs on the building, the square foot that they are occupying as well as the existing ground pylon sign and you can see from the photo attached to the staff report the applicant is asking to add a three by ten panel to the top of the existing sign. That will raise it to a total height of fifteen feet which is three feet below your standard. So that height conforms to the zoning regulations but when you add the total square footage of the pylon with the existing square footage of the wall signs, the new sign would push it over by one foot. Total available on the site is 420 square feet and with the added three by

ten to the pylon, we count both sides, it goes up to 421 feet so something needs to be scaled back a little bit to keep the conforming. We base our total area as explained in the staff report on the length of the building as it faces the Berlin Turnpike. There are two buildings on the site so it is twice the length of the frontage on the Berlin Turnpike of the building and then the southerly building which is a long deep building has commercial doorway entrances for businesses on the first and second floor and under the zoning regulations they get the benefit of one square foot for each linear foot of that side of the building. That's how we come up with the 420 feet. So, you know, you shouldn't approve a sign that exceeds your standards, it's not permissible. The applicant should scale back this three by ten a little bit to come in at the 420.

Chairman Pruett: And that has been conveyed to the applicant?

Ed Meehan: If he read the staff report it was conveyed to him.

Ray Morant: Yeah, I got the e-mail today.

Chairman Pruett: Okay, good. This is a public hearing, anybody from the public wishing to speak in favor of this petition? Anyone wishing to speak against this petition? What is the feeling of the Commission to keep this open? I think it is pretty cut and dried. Consensus to close it, okay.

Commissioner Pane: We forgot to do anything with Petition 34-09, the previous one, 240 Day Street. We didn't close it, we didn't do anything on that. I'd like to propose that we not only close it but move it to Old Business.

Chairman Pruett: Would that be possible to put a motion.....

Ed Meehan: With the Commission, I can repeat the motion that was approved for 240 Day Street, Mill Pond Church two years ago, and put that on the table for you, you can add or subtract from it. Just change the date if you want.

The motion was seconded by Commissioner Casasanta. The vote was unanimously in favor of the motion, with seven voting YES.

III. **PUBLIC PARTICIPATION** (relative to items not listed on the Agenda-each speaker limited to two minutes.

None.

IV. **MINUTES**

January 13, 2010 – Special Meeting
January 13, 2010 – Regular Meeting

Commissioner Casasanta moved to accept the minutes of the January 13, 2010 Special Meeting and January 13, 2010 Regular Meeting. The motion was seconded by Commissioner Pane.

Commissioner Anest: I have a question. How are we going to go about the additions and deletions from the 2020 Plan in the minutes? Are we going to, once we get it all done are we going to review it all at once just to make sure that the language that you put in there from our previous meetings is exactly what we wanted.

Ed Meehan: I am going to do another set of minutes and file them within five days as required and then push to have for your next meeting the annotated edited third draft which will bracket deletions and either bold or italicize new edits so you can read both together and we're working on that already. It will be a straight word document, it won't have all the graphics and pictures in it, but then you will get the flow of the document and if there are additional edits, we will make them that night. When you are satisfied with it, keep it before the public and then refer it to the Town Council as we talked about before.

Chairman Pruet: Does that sound like it will work? Works for me.

Commissioner Aieta: Mr. Chairman, how are you going to handle as far, are we going to do it as part of the meeting or are we going to have a special meeting or are you going to put it on the agenda as the first item so that we can talk about it.

Chairman Pruet: What's the feeling on the part of the Commission? We can have another special meeting to discuss that Plan in its entirety, or would you rather keep it as an agenda item for the regular meeting.

Commissioner Pane: I would like to have a special meeting Mr. Chairman, because I think we owe it to the public to read through it thoroughly to make sure that we haven't made any mistakes and everything is consistent so I think we should take that one hour special meeting and do it, otherwise it may run too long into the regular meeting.

Chairman Pruet: I tend to agree with you. Any other comments?

Commissioner Camerota: I agree, that way we can take the comments we had tonight and talk about those and see if we want to add them to the plan.

Commissioner Casasanta: Mr. Chairman, do you plan on doing that like an hour before like the last couple of meetings?

Chairman Pruet: Yes, at six o'clock.

Commissioner Casasanta: Unfortunately I won't be able to attend that, so I won't be able to partake in that discussion.

Chairman Pruet: If you have any comments, if you want to e-mail them to me, or somebody else, we can discuss them at that time.

Commissioner Casasanta: Okay.

The vote was unanimously in favor of the motion, with seven voting YES.

V. COMMUNICATIONS AND REPORTS

Ed Meehan: I don't have anything in the way of Communications; reports, a couple of things going on, we did have a good meeting with the Town Council last night on development projects both in the town center and over at Cedar and Fenn. The Town Manager was authorized to negotiate a letter of agreement with the Department of Transportation and the Hayes Kaufman partnership for the public/private partnership at Cedar/Fenn area which we will work on and bring to you as it evolves. That's all I have.

Commissioner Pane: Is that for the roadway?

Ed Meehan: It's for the public roadway, shared utilities and shared drainage.

Commissioner Pane: The Council realizes how important it is, that property?

Ed Meehan: Yes.

Commissioner Pane: Thank you.

Ed Meehan: Hopefully that will set us up for a strong grant application for brownfield money for that National Welding site.

Chairman Pruet: Any other questions for Ed on Communications and Reports?

VI. NEW BUSINESS

- A. PETITION 33-09 – Assessor Parcel 16-647 adjacent to 1268 Main Street (South Side) Reno Properties, LLC, 170 Pane Road, Newington, CT 06111 applicant, project contact, Alan Bongiovanni, BGI Lane Surveyors, 170 Pane Road, Newington, CT 06111 Harris A. Friedberg owner, request for site development approval Section 5.3 for construction of 2,500 sq. ft. bank. Inland Wetlands Report required. Continued from January 13, 2010.**

Alan Bongiovanni: I have the plans here, I think we in the public hearing portion kind of covered them fairly well. We continued that hearing, so it is your pleasure if you would like me to put them up and further my presentation or engage in a conversation, it's your pleasure.

Chairman Pruet: I think we've seen the plans, anyone wish to see the plans again? Any questions for the petitioner? Thank you.

VII. OLD BUSINESS

- A. PETITION 30-09 – 445 Unit A Willard Avenue, Fountain Pointe Office Park, Family Adult Day Care, LLC, applicant contact Mervyn Rimai, 1560 Asylum Avenue, West Hartford, CT, Rotundo Developers, LLC owner, request for Special Exception Section 3.2.9 Adult Day Care Use, CD Commercial Development District. Sixty-five day decision period ends March 19, 2010.**

Commissioner Hall moved that Petition 30-09 445 Unit A Willard Avenue, Fountain Pointe Office Park, Family Adult Day Care, LLC, applicant contact Mervyn Rimai, 1560 Asylum Avenue, West Hartford, CT, Rotundo Developers, LLC owner, request for Special Exception Section 3.2.9 Adult Day Care Use, CD Commercial Development district be approved for the occupancy of approximately 1,700 square feet and approximately 25 clients. This facility will operate Monday to Saturday, 7:00 a.m. to 7:00 p.m.

The motion was seconded by Commissioner Casasanta. The vote was unanimously in favor of the motion, with seven voting YES.

- B. PETITION 31-09 – 170 Pane Road, David Occhialini, c/o Reno Properties, 170 Pane Road, Newington, CT 06111 applicant, Reno Properties, LLC owner project contact Alan Bongiovanni, BGI Land Surveyors, 170 Pane Road, Newington, CT 06111 request for site plan modification Section 5.3 for construction of additions to existing building totaling 32, 650 sq. ft. PD Zone District. Sixty-five day decision period ends January 28, 2010.**

Commissioner Pane moved that Petition 31-09 - 170 Pane Road, David Occhialini, c/o Reno Properties, 170 Pane Road, Newington, CT 06111 applicant, Reno Properties, LLC owner project contact Alan Bongiovanni, BGI Land Surveyors, 170 Pane Road, Newington, CT 06111 request for site plan modification Section 5.3 for construction of additions to existing building totaling 32, 650 sq. ft. PD Zone District be approved based on the plan layout entitled "Improvement Location Survey Prepared for Reno Properties, LLC, 170 Pane Road" scale 1"=40' sheets 1-4, BGI Land Surveyors, dated 10-20-2009 showing a 30,000 sq. ft. addition to the back of the building and a 2,650 sq. ft. addition to the front.

The motion was seconded by Commissioner Anest. The vote was unanimously in favor of the motion, with seven voting YES.

- C. PETITION 34-09 – 240 Day Street, former Merrow Machine Co., 240 Day Street, LLC, owner; Mill Pond Church Inc., 705 North Mountain Road, Suite A-210 Newington, Ct contact Joel Ressler Senior Pastor request for extension of Special Exception Section 3.2.1 Church Use I Zone District.**

Commissioner Camerota moved that Petition 34-09 be approved as follows:

1. The church's occupancy is limited to ground floor use of the southerly end of the building, an area of approximately 9,282 square feet.
2. The existing parking spaces for this property located across Day Street and adjacent to the front and south side of the building shall be repainted. Handicapped parking spaces, minimum two (2) shall be provided adjacent to the sidewalk leading to the church's front entrance.
3. Building (inaudible) shall be elevated coverage for parking adjacent to the building and walkways.
4. The westerly driveway opening onto Francis Avenue shall be posted for No Exit.
5. Proposed façade elevation modifications to the area of the building to be occupied by Mill Pond Church, Inc., shall be submitted to and approved by the Commission prior to the issuance of the building permit for this work.
6. This special exception is limited to Mill Pond Church Inc., and cannot be transferred to another church use without the prior approval of the Commission
7. This special exception shall be valid from one year from the date of this approval. If the church's certificate of occupancy is not issued within this one year time limit, this Special Exception shall be terminated.
8. This Special Exception approval is limited to a place of worship as the principal use and not for uses such as residential shelter or food kitchen purposes.

The motion was seconded by Commissioner Pane. The vote was unanimously in favor of the motion with seven voting YES.

VIII. **PETITIONS FOR SCHEDULING** (TPZ February 10, 2010 and February 24, 2010.)

Ed Meehan: There is one that came in the other day for a special permit for an addition to a building on Stamm Road. It needs to go both to the Inland Wetlands Agency and your board because it is in the hundred year flood area. It's for a machine shop on Stamm Road. That's the only one that we have right now.

Chairman Pruet: Is that the same building that the mechanic was trying to get, the auto repair?

Ed Meehan: No, it's across the street from that. Those guys have gone away.

IX. **PUBLIC PARTICIPATION**
(For items not listed on agenda)

None

X. **REMARKS BY COMMISSIONERS**

Draft 2020 Plan of Conservation and Development (POCD)

Commissioner Schatz: To Ed, did you get any kind of a report on the wells along the swamp line from Atlantic Tool. They tested them again.

Ed Meehan: I have not seen any of the ground water sampling tests. They may have gone to the Central Connecticut Health District, but I haven't seen them.

Commissioner Schatz: They were out there again, maybe about three weeks ago. They left those wells on our property, said let's keep them.

Ed Meehan: They are taking samples out?

Commissioner Schatz: Yes.

Ed Meehan: Do they have waste barrels there?

Commissioner Schatz: I don't know. I wasn't there but the first time they did it they put a couple of grooves in the lawn out there, that was supposed to be repaired and they paid for the repairing job and the landscaper never showed up. So, that was discussed with them.

Chairman Pruet: Further remarks?

Commissioner Hall: More of a question. Any idea of what all of the surveyors are doing up on Culver Street? They have been there for a couple of days now. Looks like Haltner's property or possibly sight view from the Grantmoor but it's awfully far back from the Grantmoor.

Ed Meehan: Is it near the driving range?

Commissioner Hall: Well, not really, it's more on Culver. You know how Deming becomes Culver, they are up on Apple Hill, they are down at the bottom, and again, the only empty parcel is the one across the way which is essentially Haltner's.

Ed Meehan: No, I don't know. I can try to find out but I don't know what is going on.

Chairman Pruet: Anybody else? Okay, I just have a brief comment, I think we did an excellent job in reviewing the Plan. I think we far exceeded what the public wanted us to do, and I think that is commendable, and that is what we should be doing. I think we will have an opportunity to review our comments at the next meeting. Ed will put them together and get them out. We'll have an opportunity to review them, do our homework again before we come back and hopefully we'll stabilize and complete the Plan which would be great. I know the public is looking forward to it, I know the Town Council is chomping at the bit to take a look at it, and come to closure on it. So, we will have a special meeting again at 6:00 o'clock at our next meeting.

Commissioner Pane: Mr. Chairman, on Kelsey Street there was a property that they were digging for a residential house and then they stopped and then built the house farther up, I don't know if it was the same people, but the property that they started digging at, on the right hand side, they impacted the property and then they left, probably because they couldn't build there.

Ed Meehan: They issued a stop work order, by the Building Inspector and the building permit was withdrawn. They have to come back and start over again. If they are going to pursue it.

Commissioner Pane: Well, they have impacted the property and they have taken quite a bit of the slope out next to the adjacent property.

Ed Meehan: There was a, I don't know if it has gone to litigation but there was an action started by the abutting property on the downhill side to the west because when they brought their excavation equipment in they trespassed, they put some debris on that property, they did not properly set erosion measures up, and there may be court action pending on that. In the interim, they didn't follow the plot plan that was approved and actually the zoning permit and the building permit were withdrawn. The house up the street is a completely different property and owner.

Commissioner Pane: The only concern I have is if all of a sudden they decide to walk away, they have already impacted the property and I would think that they would have to restore some of the slopes back.

Ed Meehan: We'll probably end up having to lien the property to get it done. The last time I know there was an issue out there was, they still had some miscellaneous, a bucket and some other pieces of the excavator were close to the right of way, and they were directed to take it out of the right of way. I don't know if they followed through, but, it was a speculative project that went the wrong way.

Chairman Pruet: I'm sure everybody knows, we have another vacant business, 99 closed its doors. So we have something else, to attract.....
Are there any other businesses Ed, that you know of that are looking to come in.

Ed Meehan: Very slow, there's really, usually people are doing inquiries as to what is available, what the requirements are for occupancy, signage and so forth and there is not even that type of questioning going on right now.

Commissioner Aieta: Two or three meetings ago, maybe longer Michelle brought up about the Circuit City building, the graffiti on it, and we were going to get something to the owner about trying to clean it up, and it's gotten worse.

Commissioner Hall: They are bankrupt. It was in the paper.

Commissioner Aieta: The owner of the property or Circuit City?

Commissioner Hall: It's in foreclosure, the property is in foreclosure.

Commissioner Aieta: The property itself is in foreclosure?

Ed Meehan: We contacted the property management company, they are out of Pennsylvania. They are the same company we dealt with over the summer to get the grass and the liter cleaned up. I didn't notice, was that plowed when we had our last snow event?

Commissioner Aieta: So what do they do, go into foreclosure and have some kind of a sale? So we have no recourse at all if that is the case.

Ed Meehan: The recourse is to try to attach it, for what that is worth.

Commissioner Pane: Well, the property management might still be working for the foreclosure bank. So the bank might be responsible for the property and making sure that, so go back to the bank and talk to the property management company and have them clean it up. They are going to want to clean it up anyway.

Ed Meehan: I think it is Kamen out of Pennsylvania.

Commissioner Aieta: It's a nice building, I don't know what the use would be.

Chairman Pruet: Any other comments?

Commissioner Camerota: Bank of America and the ATM they wanted in the Lowe's parking lot, is that.....

Ed Meehan: That was approved and the plans were filed, but they haven't proceeded. I don't know if they are working out a lease arrangement with Lowe's or not but it's all set to go.

Commissioner Camerota: They took their ATM out of Stew's so I wondered if that was why.

XI. STAFF REPORT

None

XII. ADJOURNMENT

Commissioner Anest moved to adjourn the meeting. The motion was seconded by Commissioner Pane. The meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Norine Addis, Recording Secretary

